

U.S. DISTRICT JUDGE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

TIMMY R. TRIBBETT,)	
)	CIVIL NO. 3:22-cv-05147-BJR
Plaintiff,)	
)	ORDER
vs.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant)	
)	

This matter comes before the Court on the Plaintiff's motion for attorney's fees, ECF No. 15, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

The Court issued its final decision on May 11, 2023, ECF No. 14, and entered judgment on August 28, 2023, ECF No. 18. Therefore, the Court deems Plaintiff's application timely. *See Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Upon review of the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

1 Further, the Government has not opposed the motion, *see* ECF No. 17. Having
2 considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion
3 and awards Plaintiff \$4,562.72 in attorney's fees, subject to any offset allowed under the
4 Treasury Offset Program. *See. Astrue v. Ratliff*, 560 U.S. 586, 589 – 590 (2010). Payment of
5 EAJA fees shall be sent to Plaintiff's attorney by either EFT or check: David Oliver at David
6 Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratliff*,
7 award shall be payable to Plaintiff's attorneys, David Oliver at David Oliver & Associates, if the
8 Commissioner confirms that Plaintiff owes no debt to the Government through the Federal
9 Treasury Offset program.

10 For the foregoing reasons, Plaintiff's motion for attorney fees, ECF No. 15, is
11 GRANTED.

12 DATED September 13, 2023.

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15 Barbara J. Rothstein
16 United States District Judge

17 Presented by:

18 S/David P. OLIVER
19 David P. Oliver,
20 Attorney for Plaintiff
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